

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RODNEY C. MOORE,

ORDER

Petitioner,

v.

12-cv-613-wmc

WARDEN WILLIAM POLLARD,

Respondent.

State inmate Rodney A. Moore filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his conviction in Dane County Case No. 2005CF1306. On October 3, 2012, the Clerk's Office closed this case after Moore failed to comply with a court order directing him to either pay the \$5.00 filing fee or submit "a trust fund account statement for the last six months" in compliance with the federal *in forma pauperis* statute. 28 U.S.C. § 1915(a)(2). Pending before the court is Moore's request for reconsideration of a recent order, denying his motion to reopen and to proceed *in forma pauperis* in this case. Alternatively, he requests an indefinite stay or extension of time to pay the \$5.00 filing fee.

With respect to the order denying his motion for leave to proceed *in forma pauperis*, Moore does not show that he is eligible to proceed as a pauper under the formula used to make determinations under the *in forma pauperis* statute or that he is unable to pay the \$5.00 fee for purposes of a habeas corpus proceeding. Accordingly, his motion for

reconsideration will be denied.

To the extent that Moore requests a stay or an extension of time to pay the filing fee, the court notes that the petition was received in August 2012. The court's initial order directing Moore to pay the filing fee or seek leave to proceed *in forma pauperis* was entered on August 30, 2012. This case has been closed for more than six months due to Moore's repeated failure to comply with that order. Moore provides no explanation for his failure to comply as directed and he offers no valid excuse for his delay. Under these circumstances, a stay is not warranted.

ORDER

IT IS ORDERED that:

1. The motion for reconsideration filed by Rodney C. Moore, dkt. # 25, is DENIED.
2. Moore's motion for a stay, dkt. # 26, is also DENIED.

Entered this 31st day of May, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge